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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

FRANK GEMBECK, JR.,
Defendant

) Case No.: CR08-00076-JW
)
) STIPULATION TO CONTINUE
) PLEA HEARING
)
) September 29, 2008
) 1:30 pm
) Courtroom 8, 4th Floor
) San Jose
)

It is hereby stipulated between counsel for the Plaintiff and counsel for the Defendant that the plea in the above captioned case scheduled for September 29 at 1:30 p.m. be continued until October 20 at 1:30 p.m. due to the Jewish holiday of Rosh Hashanah which is observed by Alan Ellis, counsel for the Defendant. While the holiday does not begin until sundown on September 29, nonetheless, services at Mr. Ellis's temple begin at 6 pm. The last time Mr. Ellis was in San Jose before this Court on September 15, he did not return home until after 4 pm. The ride from Marin County to San Jose and the court appearance took approximately four hours and due to traffic, was exhausting. Mr. Ellis would prefer not to be exhausted on the eve of his holiday so he can attend temple services with his family in a refreshed condition. Mr. Ellis sincerely appreciates this Court's and the government's courtesies and consideration.

LAW OFFICES OF ALAN ELLIS

BY: /s/
ALAN ELLIS

Attorney for Defendant

UNITED STATES OF AMERICA

BY: /s/
RICHARD CHENG
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,) Case No.: CR08-00076-JW
Plaintiff,)
vs.) ORDER
FRANK GEMBECK, JR.,)
Defendant)

It is hereby ordered that the plea scheduled for 1:30 pm on September 29 be continued until 1:30 p.m. on October 20, 2008. Time is excluded from September 29, 2008 to October 20, 2008.

BY THE COURT:

Dated: September 26, 2008

United States District Judge